



COURT OF APPEALS

THIRD DISTRICT OF TEXAS

P.O. BOX 12547, AUSTIN, TEXAS 78711-2547

www.txcourts.gov/3rdcoa.aspx

(512) 463-1733

DARLENE BYRNE, CHIEF JUSTICE
MELISSA GOODWIN, JUSTICE
THOMAS J. BAKER, JUSTICE
GISELA D. TRIANA, JUSTICE
CHARI L. KELLY, JUSTICE
EDWARD SMITH, JUSTICE

JEFFREY D. KYLE, CLERK

August 3, 2021

Mr. William S. Helfand
Lewis Brisbois Bisgaard & Smith LLP
24 Greenway Plaza, Suite 1400
Houston, TX 77046-2410
* DELIVERED VIA E-MAIL & POSTAL *

Mr. Joseph R. Knight
Ewell, Brown, Blanke & Knight LLP
111 Congress Avenue, 28th Floor
Austin, TX 78701
* DELIVERED VIA E-MAIL & POSTAL *

Mr. Carlos R. Soltero
Soltero Sapire Murrell, PLLC
7320 N Mo PAC Expy
Austin, TX 78731-2338
* DELIVERED VIA E-MAIL & POSTAL *

Mr. Judd Stone II
Office of the Attorney General
P. O. Box 12548 (MC 059)
Austin, TX 78711-2548
* DELIVERED VIA E-MAIL & POSTAL *

Mr. Don A. Tittle Jr.
Law Offices of Don Tittle, PLLC
6301 Gaston Ave Ste 440
Dallas, TX 75214-3992
* DELIVERED VIA E-MAIL & POSTAL *

Mr. Thomas A. Nesbitt
DeShazo & Nesbitt, LLP
809 West Avenue
Austin, TX 78701
* DELIVERED VIA E-MAIL & POSTAL *

RE: Court of Appeals Number: 03-21-00161-CV
Trial Court Case Number: D-1-GN-20-006861

Style: Office of the Attorney General of Texas
v. James Blake Brickman, J. Mark Penley, David Maxwell, and Ryan M. Vassar

Dear Counsel:

You are hereby notified that the above cause has this day been set for submission and oral argument on **September 22, 2021 at 9:00 AM**, before Chief Justice Byrne, Justices Triana and Kelly. Each side will be allowed 20 minutes to argue. *See* Tex. R. App. P. 39.8. Appellant's time may be divided and a portion used in rebuttal.

- **Attorney Presenting** - Upon receipt of this letter, please notify the Clerk in writing via your electronic service provider the name of the attorney that will be presenting argument to the Court. This notification should be submitted to the Court at least seven (7) days prior to the date your case is scheduled for argument.

- **Oral Argument Waived** - In the event that parties previously requesting oral argument should decide to waive argument, this should be communicated to the Clerk well in advance of the setting date.
- **Exhibits** - If you plan to present any oral argument exhibits to the Court, these should be submitted at least twenty-four (24) hours prior to the scheduled argument and a twenty-five (25) dollar filing fee will apply. *See* Tex. R. App. P. Appendix A.
- **Oral Arguments are Recorded and Available on the Court's Website** – Effective January 1, 2018, audio recordings will be made of this Court's oral arguments and provided to the public on the Court's website subject to further orders of the Court. All references to persons or details that could identify a minor should be disguised to protect the minor's identity. Any objections to making or posting the recording of the oral argument should be made in writing for the Court's consideration.
- **Reasonable Accommodation** - Any person seeking a reasonable accommodation during oral argument for a disability should make that request to the Court Clerk at least ten (10) days prior to the date a case is scheduled for oral argument.

The Court expects counsel to appear at the stated time, prepared to argue without undue repetition of or reading from the brief, and to respond to questions from the panel.

The Third Court of Appeals recognizes the need to ensure the health and safety of litigants, attorneys, court staff, and other individuals entering the Third Court of Appeals. Please see the attached Covid-19 Courtroom Protocols. Anyone who does not wish to appear in person for oral argument due to concerns about Covid-19 and the Court's protocols must contact the Court's clerk immediately.

Very truly yours,

JEFFREY D. KYLE, CLERK

BY: *E. Talerico*

Liz Talerico, Deputy Clerk

Attachment